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VALLEY COUNTY
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JUL 15 2019

SHELLEY BRYAN

MONTANA SEVENTEENTH JUDICIAL DISTRICT COURT
VALLEY COUNTY

DENNIS BAADSGAARD AND
SHELLY BAADSGAARD,

Plaintiffs,

vs.

TRINTON GAMAS,

Defendant.

Cause No. DV- 2019-46

Judge: Yvonne Laird

COMPLAINT AND DEMAND FOR
JURY TRIAL

COME NOW the Plaintiffs, Dennis and Shelly Baadsgaard, by and through their attorneys of record, Edwards, Frickle & Culver and for their complaint against the Defendant, Trinton Gamas, complain and allege as follows:

FACTS COMMON TO ALL COUNTS

1. The Plaintiffs, Dennis and Shelly Baadsgaard, husband and wife, were at all times relevant hereto residents of the State of Montana, County of Valley.

2. The Defendant, Trinton Gamas, was at all times relevant hereto a resident of the State of Montana, County of Valley.

COUNT ONE

Plaintiffs re-allege and incorporate herein by reference the allegations of the preceding paragraphs as set forth in full, and further allege as follows:

3. On the afternoon of October 1, 2018, Defendant Gamas' dog, along with two other large dogs, were in the box of Defendant Gamas' pickup, which was parked by the Civic Center, while Gamas himself was inside the Civic Center doing physical exercise in the facility the City of Glasgow provides

4. Defendant Gamas regularly used his pickup to transport and have with him his dogs, as most Montana dog owners do in rural, town and city settings.

5. While in the Civic Center, Defendant Gamas negligently left the three dogs unattended, untethered, unkenneled or otherwise restrained or supervised during his absence from his pickup while exercising in the Civic Center.

6. Defendant Gamas knew, or should have known, his large Boxer/Pit Bull cross, together with his other two large dogs in the box of the pickup, needed to be tethered, kenneled, or otherwise restrained and supervised so they could not leave the box of the pickup while Defendant Gamas was inside the Civic Center. What happened as described herein with Defendant's dogs not being properly supervised or restrained

was foreseeable to any dog owner, including Defendant Gamas, who acted negligently in these circumstances.

7. While Defendant Gamas was inside the Civic Center, Plaintiff Dennis Baadsgaard was giving the Plaintiffs' dog its daily exercise in the City Park adjacent to the Glasgow Civic Center, when Defendant's dog, a mixed breed of Boxer and Pit Bull, jumped out of the Defendant's pickup box, raced toward, attacking Plaintiffs' dog.

8. Plaintiff Dennis Baadsgaard instantly tried to intervene, and break up the sudden attack on his much smaller dog who was obviously in danger during the attack, but Plaintiff became entangled between the two dogs, and was violently thrown to the ground.

9. As a result of the negligence of Defendant Gamas as described herein, Plaintiff Dennis Baadsgaard suffered severe shoulder damage, which required a serious surgery in Billings, plus extensive and lengthy rehab in Glasgow. Such negligence of Defendant caused Dennis to be absent from his self-employment for months. Plaintiff Dennis Baadsgaard has suffered bodily pain and injury, lost income, lengthy rehabilitation, and been prevented from fully pursuing his ordinary course of life activities, as well as prevented him from transacting his business. Plaintiff Dennis Baadsgaard is entitled to all damages provided under Montana law for such losses.

COUNT TWO

Plaintiffs re-allege and incorporate herein by reference the allegations of the preceding paragraphs as set forth in full, and further allege as follows:

10. Plaintiff Shelly Baadsgaard, as a result of the negligence of the Defendant, as stated above, has suffered and will continue to suffer loss of consortium as that claim is defined under Montana law and is entitled to recover those damages from the Defendant.

WHEREFORE Plaintiffs, Dennis and Shelly Baadsgaard, pray judgment against Defendant for all damages and costs to which they are entitled to under Montana law, in such categories and in such amounts as will be furnished to Defendant in accordance with applicable Montana law and/or Rules of Civil Procedure.

DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury of all of the issues in this action.

Dated this 11th day of July, 2019.

EDWARDS, FRICKLE & CULVER

By: 

A. Clifford Edwards
Attorney for Plaintiffs